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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/896,429 |
| | Filing Date | June 29, 2001 |
| | First Named Inventor | Gordon S. Scholler |
| | Art Unit | 3739 |
| | Examiner Name | A. M. Farah |
| Total Number of Pages in This Submission | Attorney Docket Number | HO-P02540US1 |

| ENCLOSURES (Check all that apply) | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): *Response to Notice of Non-Complaint Amendment *Return Receipt Postcard |
| <div>Remarks</div> | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | FULBRIGHT & JAWORSKI L.L.P. Edward D. Steakley - 47,964 |
| Signature | <i>Edward D. Steakley</i> |
| Date | SEPTEMBER 3, 2004 |

| Transmittal | |
|---|--|
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER393630367US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below. | |
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9/07/04

3739
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Dated: 9/3/04

Signature:

Elena Maglito

(Elena M. Maglito)

Docket No.: HO-P02540US1
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gordon S. Scholler

Application No.: 09/896,429

Art Unit: 3739

Filed: June 29, 2001

Examiner: A. Farah

For: **IMPROVED APPLANATION LENS AND
METHOD FOR OPHTHALMIC SURGICAL
APPLICATIONS**

**RESPONSE TO NON-COMPLAINT AMENDMENT FOR
RESPONSE TO OFFICE ACTION DATED 3-29-2004**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Notice of Non-Compliance Amendment, the following is submitted:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.